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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,473	04/24/2001	Gerald D. Sauder	12748-0010	5310

7590 03/12/2003

GALLAGHER & KENNEDY, P.A.
2575 East Camelback Road
Phoenix, AZ 85016-9225

EXAMINER

HAUGLAND, SCOTT J

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Ex Parte R examination Advisory Action

Control Number

09/841,473

Patent Under Reexamination

SAUDER ET AL.

Examiner

Scott Haugland

Art Unit

3654

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

THE PROPOSED RESPONSE FILED 24 February 2003 FAILS TO OVERCOME ALL OF THE REJECTIONS IN THE FINAL REJECTION MAILED 18 November 2002. Therefore, unless a timely appeal is filed, or other appropriate action by the patent owner is taken to overcome all of the outstanding rejection(s), this *ex parte* reexamination proceeding WILL BE TERMINATED and a Notice of Intent to Issue *Ex Parte* Reexamination Certificate will be mailed in due course. Any finally rejected claims, or claims objected to, will be CANCELLED.

THE PERIOD FOR RESPONSE IS EXTENDED TO RUN _____ MONTHS FROM THE MAILING DATE OF THE FINAL REJECTION.

(Extensions of time are governed by 37 CFR 1.550(c))

1. ☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on _____ (or within the extended period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).
2. ☐ The proposed amendment(s) will not be entered because:
 - (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see NOTE below);
 - (c) ☐ they are not deemed to place the proceeding in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.NOTE: _____
3. ☐ Patent owner's proposed response filed _____ has overcome the following rejection(s): _____
4. ☐ The proposed new or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☒ affidavit/declaration, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT overcome the rejection(s) because: it does not show that the invention as claimed having a viscous clutch and a unidirectional clutch was in Applicants' possession before March 8, 1999. The filing date of the relevant prior art reference (patent no. 6,158,684 to Hedlund) is Feb. 1, 1999.
6. ☐ The affidavit/declaration or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:
Claim(s) patentable and/or confirmed: _____
Claim(s) objected to: _____
Claim(s) rejected: _____
Claim(s) not subject to reexamination: _____
8. ☐ The proposed drawing correction filed on _____ a) ☐ has b) ☐ has not been approved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s) _____.
10. ☐ Other: _____

Kathy Matecki

KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

cc: Requester (if third party request)